

April 3, 2008

Via E-File

The Honorable Thelton E. Henderson, Senior Judge
United States District Court, Northern District of California
Courtroom 12, 19th Floor
450 Golden Gate Ave.
San Francisco, CA 94102

Re: *Finley v. County of Marin, et al.*, Case No. C07 5922 TEH

Dear Judge Henderson:

Today Plaintiff's counsel filed a separate Case Management Conference Statement, three days after the Court ordered deadline to file it. On page one of the Statement, Plaintiff's counsel claims: "Defendants submitted their own separate Case Management Conference [sic] without any notification or attempt to meet and confer with Plaintiff." This claim is a clear misrepresentation by Plaintiff's counsel.

Attached to this letter is an e-mail from Plaintiff's counsel to Defendant's counsel on the morning of March 27, 2007, regarding this case. In the e-mail, Plaintiff's counsel stated, "I will prepare a draft joint case management conference statement for your review." Defendant's counsel responded to Plaintiff counsel's e-mail within an hour and a half, including a statement that Defendant's counsel would do another task to comply with the Court's order, which was done. This e-mail is also attached. Plaintiff's counsel did not communicate with Defendant's counsel again, despite his statement to the contrary.

Defendant's counsel had a scheduled vacation day on the day the Joint Case Management Conference Statement was due, but came to work that afternoon at 1:00 p.m. specifically to review the promised draft Case Management Conference statement from Plaintiff's counsel. Defendant's counsel waited for a draft Joint Case Management Conference Statement from Plaintiff's counsel. Because Plaintiff's counsel failed to provide such a draft, or respond in any way to Defendant's counsel's e-mail,

Defendant's counsel filed a separate Case Management Statement after 3:00 p.m., and then left to resume the scheduled vacation day.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen R. Raab", with a stylized flourish at the end.

Stephen R. Raab
Deputy County Counsel
Attorney for the County of Marin

Raab, Stephen

From: Raab, Stephen
Sent: Thursday, March 27, 2008 10:44 AM
To: 'dpoore@kahnbrownlaw.com'
Subject: RE: Finley v. County of Marin

I will file the required Stipulation and [Proposed] Order Selecting ADR Process based upon the agreement of ENE as the process.

I do not know what the County of Marin's position will be regarding a request for class-wide relief, because I do not know the nature of the class or the basis of the class-wide claims.

Stephen R. Raab
Deputy County Counsel

From: David Poore [mailto:dpoore@kahnbrownlaw.com]
Sent: Thursday, March 27, 2008 9:15 AM
To: Raab, Stephen
Subject: Finley v. County of Marin

Mr. Raab,

We received your correspondence regarding selection of ADR in the above-entitled case. We are agreeable to ENE. I will prepare a draft joint case management conference statement for your review.

On a related note, we will likely be amending the complaint to assert class-wide relief, and will advise the Court of this intention to do so in the CMC statement. In the meantime, please let us know if defendant will be opposing this request.

Thank you.

David M. Poore
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